

In order to provide for internal administrative review and resolution of any outstanding issues regarding discrimination complaints or reasonable accommodations, the department hereby established the Equal Opportunity Committee (EOC).

The EOC's primary role is:

1. To hear any outstanding and pertinent concerns a Complainant and/or Respondent has, which were not reviewed in a discrimination or harassment case investigated by the Office of Equal Opportunity (OEO).
2. To review requests for reasonable accommodation when a mutually acceptable agreement cannot be reached between management and the employee requesting the accommodation.

Membership shall consist of:

1. The Secretary of Transportation (acts as Chair for the EOC).
2. The executive from whose organization the original complaint or appeal of reasonable accommodation was filed.
3. The Director for OEO who serves as an ex-officio (non-voting) member.
4. The Washington State Department of Transportation's (WSDOT) Human Resource Director or Washington State Ferries' Human Resource Director.

Responsibilities

1. Discrimination Complaints

The EOC is responsible for hearing appeals filed by the Complainant or Respondent on findings in department discrimination, harassment, and/or retaliation cases when an appeal is filed in writing (DOT Form 731-017EF Revised 3/2001, Attachment 11) or alternate format (if required by reasonable accommodation) within 15 calendar days of receipt of the finding. If the 15th calendar day falls on a weekend or holiday, the next working day will be considered to be the 15th day.

- a. For appeals requested by the Complainant, the appeal must be filed on the basis that all available information was not considered during the course of the investigation or that there was not an appropriate application of WSDOT policy and/or procedure.
- b. For appeals requested by the Respondent, the appeal must be filed on the basis that all available information was not considered during the course of the investigation or that there was not an appropriate application of WSDOT policy and/or procedure or they were not provided "due process" in accordance with the Discrimination Complaint Procedures identified in Chapter 2 of the *Equal Opportunity Desk Manual*. The Respondent will be responsible for identifying the process or procedure which they were denied.

2. Reasonable Accommodations

The EOC is responsible for reviewing reasonable accommodation efforts filed by the Person with Disability or the Appointing Authority on issues where a mutually acceptable accommodation cannot be agreed upon. The request for review must be filed in writing or alternate format (if required by reasonable accommodation) within 15 calendar days of denial of a reasonable accommodation. If the 15th calendar day falls on a weekend or holiday, the next working day will be considered to be the 15th day.

3. Representation

- a. If the appealing party plans to bring representation to the hearing, they must notify the Chair of the name and position of the representative(s) in writing no later than five business days prior to the hearing.

Procedures for Hearing Appeals

1. Appeals shall be addressed to the Chair of the EOC and received within 15 calendar days of notice of finding or denial of accommodation.
2. Appeals will be evaluated by the Chair of the EOC to determine if they meet the criteria set forth above.
 - a. The Chair may request the appealing party to provide additional background information prior to the Chair making a final determination on hearing the appeal.
 - b. If the appeal is not accepted, the Chair shall return the request to the appealing party with a written explanation for denying the hearing. A copy of the letter will also be forwarded to the other EOC members.
 - c. If the appeal is accepted, the Chair may request background information be provided prior to the hearing.
3. Appeals shall be scheduled for hearing by the Chair or her/his designee, normally within 30 days of receipt of the appeal. The Chair or her/his designee shall notify all involved parties of the hearing date and time.
4. All appeal hearings, unless changed by the Chair, shall be heard at the Olympia Service Center in the office of the Secretary of Transportation.
5. Based on the information presented at the appeals hearing, the EOC shall:
 - a. Discrimination Complaints
 - (1) Affirm the determination of OEO, or
 - (2) Return the file for further investigation by OEO, or
 - (3) Reverse or change the determination of OEO.
 - b. Reasonable Accommodations
 - (1) Direct the requested accommodation be implemented, or
 - (2) Direct other accommodations be implemented in lieu of requested accommodation, or
 - (3) Deny accommodation request.

6. The decision of the committee shall be communicated in writing to the appealing party, OEO, and the Appointing Authority.
7. This appeal process in no way precludes the appealing party from taking any other action to which they may be legally entitled.

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